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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

AUG 29 2008
AUG 29 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

TERRY YOUNG,

Petitioner,

Case No. 08CV1999

97-CR 63-1

v.

Judge Presiding:

Judge George W. Lindberg

UNITED STATES OF AMERICA,

Respondent.

MOTION IN RESPONSE TO THE GOVERNMENT

REQUEST FOR EXTENSION OF TIME

NOW COMES the undersigned Terry Young Petitioner pro se, and moves this Honorable Court to enter an order denying the Governments motion for a second extension of time for the following reasons;

1) That the Government with all their vast resources being learned at law is Constitutionally armed with their staff and where with all to timely answer such a petition.

2) That it is to be judicially noted that the Government is not being fully truthful with this Honorable Court because on August 11, 2008, the Government claim they filed a motion for extension of time with the District Court Clerk, filed under the criminal

case No. and the District Court Clerk refused to accept the motion requiring that the motion to be refiled under the Civil No.

3) The Governments excuse simple do not pass the smell test. For the fact it is the duty of the Clerk to stamp file all documents as a matter of Due Diligence making them apart of the record until ordered to do otherwise. Please make notice that it is not the duty of the Clerk to act in the capacity of a Judicial Official with vested powers to determine which motion are to be filed and which are not to be filed. Further more, if theres any truthfulness in the Governments testament regarding what occurred on August 11, 2008 and if this is to be accepted as true, then why couldn't the Government simply refile their motion before the 14th due date, it is to be noted the Government delayed their filing until the 18th.

4) The Government did not have this problem when they filed for their first extension of time. This Honorable Court must take Judicial Notice that the Governments motion is filed with both, the Criminal and Civil No. on the face of their document with this Honorable Courts name posted as Judge, and if the Clerk of the Court had a problem, the Clerk would immediately contacted this Honorable Courts Clerk.

5) The fact that the undersigned counsel was on leave, is irrelevant because the Government with all their vast resources and unlimited number of attorneys and paralegals on staff, could have simply changed a Criminal No. to a Civil No. in a matter of seconds.

WHEREFORE, for the reasons stated above petitioner respectfully request this Honorable Court to enter an order of denial of the Governments motion for extension of time, and protect petitioners Constitutional Rights by granting Writ of Habeas Corpus, releasing forthwith from restraint of his liberty, where all issues are meritorious and the above requested relief is Warranted.

RESPECTFULLY SUBMITTED

Terry Young
Terry Young
F.C.I. Oxford
P.O. Box 1000
Oxford, WI 53952

CERTIFICATE OF SERVICE

I, TERRY YOUNG, hereby certify under the Penalty of Perjury that the aforementioned Motion (Motion in response to the Government request for extension of time) is true and correct to the best of my knowledge. See Title 28 U.S.C. § 1746 and Title 18 U.S.C. § 1621, and that I, TERRY YOUNG caused all copie(s) to be forwarded to the Clerk Office for United States District Court for the Northern District of Illinois Eastern Division via United States Postal Service prepaid this 25th day of August, 2008.

RESPECTFULLY SUBMITTED

Terry Young
Terry Young